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| APPLICATION NO. | FILING DATE | FIRST NAMED INVENTOR | ATTORNEY DOCKET NO. | CONFIRMATION NO. |
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| 10/046,015 | 01/10/2002 | Gregory Floyd | 044123-1633 | 5204 |

7590

12/23/2002

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EXAMINER

WUJCIAK, ALFRED J

ART UNIT

PAPER NUMBER

3632

DATE MAILED: 12/23/2002

Please find below and/or attached an Office communication concerning this application or proceeding.

Office Action Summary

Application No.

10/046,015

Applicant(s)

FLOYD ET AL.

Examiner

Alfred J Wujciak III

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-- The MAILING DATE of this communication appears on the cover sheet with the correspondence address --
Period for Reply

A SHORTENED STATUTORY PERIOD FOR REPLY IS SET TO EXPIRE 3 MONTH(S) FROM THE MAILING DATE OF THIS COMMUNICATION.

- Extensions of time may be available under the provisions of 37 CFR 1.136(a). In no event, however, may a reply be timely filed after SIX (6) MONTHS from the mailing date of this communication.
- If the period for reply specified above is less than thirty (30) days, a reply within the statutory minimum of thirty (30) days will be considered timely.
- If NO period for reply is specified above, the maximum statutory period will apply and will expire SIX (6) MONTHS from the mailing date of this communication.
- Failure to reply within the set or extended period for reply will, by statute, cause the application to become ABANDONED (35 U.S.C. § 133).
- Any reply received by the Office later than three months after the mailing date of this communication, even if timely filed, may reduce any earned patent term adjustment. See 37 CFR 1.704(b).

Status

- 1) ☒ Responsive to communication(s) filed on 10 January 2002.
- 2a) ☐ This action is **FINAL**. 2b) ☒ This action is non-final.
- 3) ☐ Since this application is in condition for allowance except for formal matters, prosecution as to the merits is closed in accordance with the practice under *Ex parte Quayle*, 1935 C.D. 11, 453 O.G. 213.

Disposition of Claims

- 4) ☒ Claim(s) 1-17 is/are pending in the application.
- 4a) Of the above claim(s) _____ is/are withdrawn from consideration.
- 5) ☐ Claim(s) _____ is/are allowed.
- 6) ☒ Claim(s) 1-13 and 17 is/are rejected.
- 7) ☒ Claim(s) 14 and 15-16 is/are objected to.
- 8) ☒ Claim(s) 18-24 are subject to restriction and/or election requirement.

Application Papers

- 9) ☐ The specification is objected to by the Examiner.
- 10) ☒ The drawing(s) filed on 10 January 2002 is/are: a) ☒ accepted or b) ☐ objected to by the Examiner.
Applicant may not request that any objection to the drawing(s) be held in abeyance. See 37 CFR 1.85(a).
- 11) ☐ The proposed drawing correction filed on _____ is: a) ☐ approved b) ☐ disapproved by the Examiner.
If approved, corrected drawings are required in reply to this Office action.
- 12) ☐ The oath or declaration is objected to by the Examiner.

Priority under 35 U.S.C. §§ 119 and 120

- 13) ☐ Acknowledgment is made of a claim for foreign priority under 35 U.S.C. § 119(a)-(d) or (f).
a) ☐ All b) ☐ Some * c) ☐ None of:
1. ☐ Certified copies of the priority documents have been received.
2. ☐ Certified copies of the priority documents have been received in Application No. _____.
3. ☐ Copies of the certified copies of the priority documents have been received in this National Stage application from the International Bureau (PCT Rule 17.2(a)).
* See the attached detailed Office action for a list of the certified copies not received.
- 14) ☐ Acknowledgment is made of a claim for domestic priority under 35 U.S.C. § 119(e) (to a provisional application).
a) ☐ The translation of the foreign language provisional application has been received.
- 15) ☐ Acknowledgment is made of a claim for domestic priority under 35 U.S.C. §§ 120 and/or 121.

Attachment(s)

- 1) ☒ Notice of References Cited (PTO-892) 4) ☒ Interview Summary (PTO-413) Paper No(s). 4.
- 2) ☐ Notice of Draftsperson's Patent Drawing Review (PTO-948) 5) ☐ Notice of Informal Patent Application (PTO-152)
- 3) ☒ Information Disclosure Statement(s) (PTO-1449) Paper No(s) 2. 6) ☐ Other:

DETAILED ACTION

This is the first Office Action for the serial number 10/046,015, Roof Support with Integral Gutter, filed on 1/10/02.

Election/Restrictions

During a telephone conversation with Andrew Lawrence on 12/12/02 a provisional election was made with traverse to prosecute the invention of elected group, claims 1-17. Affirmation of this election must be made by applicant in replying to this Office action. Claims 18-24 are withdrawn from further consideration by the examiner, 37 CFR 1.142(b), as being drawn to a non-elected invention.

Restriction to one of the following inventions is required under 35 U.S.C. 121:

- I. Claims 1-17, drawn to Apparatus, classified in class 52, subclass 36.2.
- II. Claims 18-24, drawn to Method, classified in class 264, subclass 219.

Inventions claims 1-17 and claims 18-24 are related as apparatus and product made. The inventions in this relationship are distinct if either or both of the following can be shown: (1) that the apparatus as claimed is not an obvious apparatus for making the product and the apparatus can be used for making a different product or (2) that the product as claimed can be made by another and materially different apparatus (MPEP § 806.05(g)). There are many different ways of making a roof support by using the molding or extrusion process with different kind of materials such as plastic and aluminum.

Claim Rejections - 35 USC § 102

The following is a quotation of the appropriate paragraphs of 35 U.S.C. 102 that form the basis for the rejections under this section made in this Office action:

A person shall be entitled to a patent unless –

(e) the invention was described in a patent granted on an application for patent by another filed in the United States before the invention thereof by the applicant for patent, or on an international application by another who has fulfilled the requirements of paragraphs (1), (2), and (4) of section 371(c) of this title before the invention thereof by the applicant for patent.

The changes made to 35 U.S.C. 102(e) by the American Inventors Protection Act of 1999 (AIPA) do not apply to the examination of this application as the application being examined was not (1) filed on or after November 29, 2000, or (2) voluntarily published under 35 U.S.C. 122(b). Therefore, this application is examined under 35 U.S.C. 102(e) prior to the amendment by the AIPA (pre-AIPA 35 U.S.C. 102(e)).

Claims 1-3,5-7 are rejected under 35 U.S.C. 102(e) as being anticipated by US Patent # 6,279,290 to Richardson.

Richardson teaches a roof structure (figure 1) comprising a support web (10), an exposure surface (22) perpendicularly bisecting the support web and a collector (located underneath the web) perpendicularly bisecting the support web opposite the exposure surface. The collector has flanges (16) projecting outward in opposing lateral directions. Each flange having a distal edge upwardly extending from the flange at an angle of 90 degrees. The exposure surface and the collector are integral with the support web (figure 1). The exposure surface has a negative angle (the opposite side of element # 20) to the support web. The collector has a depth greater than the maximum expected deflection of the roof support. The distal edge is general parallel to the

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support web. Furthermore, Richardson teaches a roof panel (214) including exterior and interior surfaces. The roof panel is closely adjacent to the support web (figure 9)

Claim Rejections - 35 USC § 103

The following is a quotation of 35 U.S.C. 103(a) which forms the basis for all obviousness rejections set forth in this Office action:

(a) A patent may not be obtained though the invention is not identically disclosed or described as set forth in section 102 of this title, if the differences between the subject matter sought to be patented and the prior art are such that the subject matter as a whole would have been obvious at the time the invention was made to a person having ordinary skill in the art to which said subject matter pertains. Patentability shall not be negated by the manner in which the invention was made.

Claim 4 is rejected under 35 U.S.C. 103(a) as being unpatentable over Richardson.

Richardson teaches the distal edge but fails to teach the distal edge extends from each flange at an angle of 125 degrees. It would have been obvious for one of ordinary skill in the art at the time the invention was made to have modified the distal edge to 125 from 90 degrees to provide an additional support for supporting a roof panel.

Claim 8 is rejected under 35 U.S.C. 103(a) as being unpatentable over Richardson in view of US Patent # 6,085,469 to Wolfe.

Richardson teaches the roof structure but fails to teach the roof structure is manufactured by extrusion process. Wolfe teaches a structural connector manufactured by extrusion process (col. 1, lines 50-52). It would have been obvious for one of ordinary skill in the art at the time the invention was made to have used Richardson's roof structure through the extrusion process as taught by Wolfe to provide a convenience in forming the roof structure.

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Claims 9, 12-13 and 17 are rejected under 35 U.S.C. 103(a) as being unpatentable over Richardson.

Richardson teaches a roof structure (figure 9, a different embodiment) comprising a support web (228), an exposure surface (220) perpendicularly bisecting the support web and a collector (224) perpendicularly bisecting the support web opposite the exposure surface. The collector has flanges projecting outward in opposing lateral directions. Each flange having distal edges (222) upwardly extending from the flange at an angle of 90 degrees. The distal edge is general parallel to the support web. Richardson teaches two roof panels (214) including exterior and interior surfaces. The exposure surface of the roof structure overlaps the exterior surface of both roof panels (figure 9) and having flanges projecting outward in opposing lateral directions.

Richardson teaches the roof panel is secured in the roof structure (figure 9) but fails to teach the roof panel is closely adjacent to the support web. It would have been obvious for one of ordinary skill in the art at the time the invention was made to have the roof panel closely adjacent to the support web to provide an additional security for the roof panel to remain connected to the roof structure.

Claims 10-11 are rejected under 35 U.S.C. 103(a) as being unpatentable over Richardson in view of US Patent 6,250,022 to Paz et al.

Richardson teaches the roof panel having but fails to teach a drip edge extending longitudinally along the interior surface of the roof panel. Paz et al. teaches the roof panel (figure 8b,38) having a drip edge (206) extending longitudinally along the interior surface of the roof panel. It would have been obvious for one of ordinary skill in the art at the time the invention was made

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to have added the drip edge to Richardson's roof panel as taught by Paz et al. to provide a designer's preference for the water to travel under the roof.

Allowable Subject Matter

Claims 14-16 are objected to as being dependent upon a rejected base claim, but would be allowable if rewritten in independent form including all of the limitations of the base claim and any intervening claims.

The prior art fails to teach at least one flange of the exposure surface of the roof support includes an arcuate channel. The prior art fails to teach the roof structure has a modulus of elasticity of at least about 2,500,000 pounds per square inch.

Conclusion

The prior art made of record and not relied upon is considered pertinent to applicant's disclosure:

US Patent # 6,000,176 to Lancaster

US Patent # 6,151,845 to Lancaster

US Patent # 4,322,924 to Copper

US Patent Application Publication # 2001/0029708 to Richardson

US Patent # 3,738,083 to Shimano

US Patent # 5,647,181 to Hunts

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US Patent # 6,173,547 to Lipson


US Patent Application Publication # 2002/0148695 to Latsko


Lancaster, Copper, Richardson, Shimano, Hunts and Lipson teach the roof structure for supporting a roof/panel. Latsko teaches a modulus of elasticity of at least about 2,500,000 pounds per square inch.

Any inquiry concerning this communication or earlier communications from the examiner should be directed to Alfred J Wujciak III whose telephone number is 703 306 5994. The examiner can normally be reached on 8am-4:30pm.

If attempts to reach the examiner by telephone are unsuccessful, the examiner's supervisor, Les Braun can be reached on 703 308 2156. The fax phone numbers for the organization where this application or proceeding is assigned are 703 872-9326 for regular communications and 703 872-9327 for After Final communications.

Any inquiry of a general nature or relating to the status of this application or proceeding should be directed to the receptionist whose telephone number is 703 308 1113.


Joey Wujciak
December 16, 2002


RAMON O. RAMIREZ
PRIMARY EXAMINER
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